

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

v.

ELDO KIM

Defendant.

Criminal No.

14cr10301-

**JOINT MOTION FOR CONTINUANCE OF PROCEEDING  
AND EXCLUSION OF PERIOD OF DELAY UNDER THE  
SPEEDY TRIAL ACT TO PERMIT DEFENDANT TO  
COMPLETE PRETRIAL DIVERSION PROGRAM**

Pursuant to Title 18, United States Code, Sections 3161(h)(2) and 3161(h)(7)(A), the United States and the defendant jointly move this Court (1) to approve the deferral of this prosecution for the period of delay associated with the defendant's entrance into pretrial diversion and completion of the term of pretrial diversion; and (2) to enter an order continuing this criminal case for the term of pretrial diversion outlined below, and excluding the resulting delay from the time within which the trial of the offenses charged in the information must commence. In support of this motion, the parties state as follows:

1. The defendant, ELDO KIM, is a candidate for the pretrial diversion ("PTD") program administered by the Probation and Pretrial Services Office. Pursuant to a written agreement (entitled "Statement of Acceptance of the Benefits of the Pretrial Diversion Program,"), the Probation and Pretrial Services Office will supervise KIM for a period of 18 months, during which time he will be subject to various pretrial services conditions, including home confinement for a period of four months, payment of restitution, and 750 hours of community service.

2. The United States does not intend to go forward with prosecution of this case provided that: (1) KIM abides by the terms of the Statement of Acceptance of the Benefits of the Pretrial Diversion Program and any other aspect of the PTD program offered to him by the Pretrial

*Motion allowed. JWB/Borton, USDJ 10/31/14*